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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/733,385

12/04/2000

Steven J. Harrington

D/A0657

7423

7590

10/11/2006

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EXAMINER

LUDWIG, MATTHEW J

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/733,385	Applicant(s) HARRINGTON, STEVEN J.	
	Examiner Matthew J. Ludwig	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9,10,12 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9,10,12 and 18-22 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the RCE filed 8/14/06.
2. Claims 9-12, and 18-22, are pending in the application. Claims 9, 12, 18, and 19, are independent claims.
3. Furthermore, claims 1-8, 18, 19, and 20, rejected under 35 U.S.C. 102(e) as being anticipated by Nielson have been withdrawn pursuant to applicant's amendment. Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Katariya in view of Nielson and claims 9-11 and 13-17 rejected under Katariya in view of Sandford have been withdrawn pursuant to applicant's amendment.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. **Claim 10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In reference to dependent claim 10, the limitation recites the phrase 'user interface interactively occurs during document creation. It is unclear to the Examiner how the user interface 'interactively' occurs during document creation or how this occurs during the document generation process. The independent claim already states the presence of a user interface which collects document data. It is assumed for examination purposes that any user interface utilized to create or process a document would provide a suggestion of a user interface 'interactively'

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occurring during document creation. The claims fails to accurately define how the user interface is interactive occurring during document creation, which seems to fail at narrowly defining the independent claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 9, 10, and 18-22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Suen et al., USPN 7,103,581 filed (1/12/2001).**

In reference to independent claim 9, Suen teaches:

A method for determining a cost multiplier for a particular color ink cartridge. An IC value is computed for a test document. The test document can be printed on a particular printer (compare to "*a user which collects document data and quantitative document intent information in the form of a document intent vector*"). Also, the details of calculating the total amount of ink per document and determining the cost of printing the project are established within the embodiment of the methods taught by Suen, column 6, lines 30-39 and column 7, lines 50-67.

This document can then be translated into a standardized format. The standardized format can be any format selected by the service provider, such as Adobe PDF, PostScript, or PCL. All

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of the pages in the submitted document can be considered one large page for purposes of calculating the amount of ink used in the document (compare to “*a document editor, generating and the applying said document intent vector to a stored document file*”). See column 5, lines 50-67 and column 6, lines 30-59.

Alternatively, a customer might simply inform the print service provider enough specific details regarding a print job to be able to price the print job (compare to “using said document intent vector to format the document for subsequent display at said user interface”). See column 8, lines 1-29. The reference fails to explicitly state an intent vector, however, the reference provides well know document formatting and high level information disclosed within well-known bitmap images. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the PDF, PostScript, or PCL as high level information used in the formatting of documents and ultimately provide the user the added benefit of accurately reflecting the true cost of the print job.

In reference to dependent claim 10, Suen teaches:

CPU is a general-purpose digital processor which controls the operation of the computer system. Using instructions retrieved from memory, the CPI controls the reception and manipulation of input data, and the output and display of data on output devices. See column 3, lines 40-56.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katariya et al., USPN 6,549,897 filed (12/17/98) in view of Nielson et al., USPN 6,810,143 filed (10/26/2004) and further view of Suen et al., USPN 7,103,581 filed (1/12/2001).**

In reference to independent claim 12, Figure 1 of Katariya discloses a document indexing and retrieval system [110], for storing documents [100] described in a data format including document data [102] and quantitative document intent information [114], including a document storage device [Memory 111]; a document indexing system (Col. 5 line 45), indexing documents in accordance with quantitative document intent information [114]; a document retrieval system, retrieving document [115, 116]. The reference does not explicitly state document intent information representing intents of a design of the documents and being maintained to be used in decisions made to output the documents; however, Nielson provides intent information used within a document data environment. It would have been obvious to one of ordinary skill in the art, having the teachings of Katariya and Nielson before him at the time the invention was made, to modify the document processing methods of Katariya, because it would have given a user the added benefit of having a reduction of intercommunication. Katariya discloses a document indexing and retrieval system [110], for storing documents [100] described in a data format including document data [102] and quantitative document intent information [114], including a document storage device [Memory 111]; a document indexing system (Col. 5 line 45), indexing documents in accordance with quantitative document intent information [114]; a document retrieval system, however, the reference fails to explicitly state document costs as a factor. Suen

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provides a customer who communicates to a print service provider enough specific details regarding a print job to be able to price the print job. It would have been obvious to one ordinary skill in the art, having the teachings of Katariya and Suen before him at the time the invention was made, to modify the document indexing and document retrieval method and included the document cost information of Suen, because it would have provided a customer with accurate costs of print jobs based on indexing document cost information.

In reference to claims 18-22, the claims reflect similar instructions used for performing the document intent methods claimed in claims in 9, 10, and 12. Therefore, the claims are rejected under similar rationale.

Allowable Subject Matter

10. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

11. Applicant's arguments with respect to claims 9-12 and 18-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dutta U.S. Pat. Pub. 2002/0135800 filed (3/26/2001)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 571-272-4127. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ML

**STEPHEN HONG
SUPERVISORY PATENT EXAMINER**